

REMARKS

In the Official Action, the Examiner rejected claims 5 and 6 on anticipation grounds, rejected claims 1-3 under 35 U.S.C. §103(a) over the combination of Chance et al., U.S. Patent No. 4,006,274, and Emert et al., U.S. Patent No. 5,498,809, and rejected claim 4 under 35 U.S.C. §103(a) over the combination of EP 1055421 and Emert et al. The Examiner only objected to claims 7-9 and indicated that such claims would be allowable if rewritten in independent form.

By the present Amendment, an editorial revision has been made in the specification, claims 1-3 and 5-6 have been canceled without prejudice or disclaimer and claims 4 and 7-9 have been placed into independent form. In addition, new claim 10 has been added which is dependent on claim 4 and which recites the combined subject matters of original claims 7-9.

Since claims 7-9 should be allowable as they have been placed into independent form pursuant to the Examiner's position in the Action, the remaining issue relates to claim 4. This claim defines a lubricant composition comprising at least one compound selected from the group represented by formula (3) which defines specific triazine ring-containing compounds wherein at least one of R^{21} , R^{22} and R^{23} contains an ester bond. The importance of the recitation that at least one of R^{21} , R^{22} and R^{23} contains an ester bond is explained in the specification and illustrated in the Examples and Comparative Examples. More specifically, as may be seen from the results provided in Table 1, by following the teachings of the present invention, one can obtain a lubricant composition that provides excellent friction coefficient under the defined conditions. In contrast, Table 2 sets forth results of comparative compositions which do not contain the defined triazine compound of Formula (3). In this respect, the Examiner's attention is directed to the results of

Comparative Examples 5-8 which use the N-substituted triazine compounds illustrated on page 54 which do not contain the recited ester bond. And which provide substantially inferior results.

With the foregoing discussion and the recitations in claim 4 in mind, applicants respectfully submit that the hypothetical combination of the EP '421 publication and Emert et al., can not be used to reject any of the claims of record. The EP '421 publication has nothing to do with a lubricant composition and instead relates to a cosmetic or dermatological formulation. In paragraphs [0018] and [0021], the publication describes the presence of UV-filters that are triazine compounds.

Emert et al. relates to polymers derived from ethylene and 1-butene for lubricant dispersant additives. The Examiner has noted that the passage beginning at column 74, line 57 indicates that amine antioxidants can be present. This list includes a number of different types including N-substituted phenothiazines and triazines. However, no triazine compound is included in the list of exemplary amine antioxidants provided in the passage beginning at column 75, line 10.

Applicants respectfully submit that absent improper resort to applicants' own specification, those of ordinary skill in the art would not even attempt to use a UV-filter designed for a cosmetic or dermatological formulation as an antioxidant for a lubricant composition. The conditions and demands of a lubricant composition are not the same as those encountered in a cosmetic or dermatologic environment. Moreover, there is absolutely nothing in Emert et al. which would lead those of ordinary skill in the art to a recognition that the compounds of Formula (3) with the required ester bond provides substantially improved results. Indeed, even if one gratuitously focuses on the N-substituted triazines included in the broad disclosure of Emert et al., such compounds would include those triazine compounds used in

Comparative Examples 5-8 discussed above. Thus, neither claim 4 nor newly added claim 10 can in anyway be rejected based on the prior art of record.

Since all matters raised in the Official Action have been fully met, applicants respectfully request reconsideration and allowance of the present application.

Should the Examiner have any questions concerning the subject application, the Examiner is invited to contact the undersigned attorney at the number provided below.

Respectfully submitted,

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Date: February 6, 2007